

REMARKS

This Response is submitted in reply to the Final Office Action dated November 25, 2009 in conjunction with the enclosed Request for Continued Examination. Claims 47 to 98 are pending in the present application. Claims 47 to 98 are hereby amended. Claims 47, 58, 61, 70, 81 and 84 are in independent form. Please charge Deposit Account No. 02-1818 for all payments due in connection with this Response.

As noted above, Applicant has filed a Request for Continued Examination with this Response. Accordingly, Applicant requests that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action rejected Claims 47 to 51, 58 to 64, 70 to 74, 81 to 87 and 93 to 98 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,240,555 to Shoff et al. (“Shoff”) in view of U.S. Publication No. 2004/0117280 to Klee et al. (“Klee”). In view of the amendments made herein, Applicant respectfully disagrees with these rejections.

Shoff discloses a interactive entertainment system for presenting supplemental interactive content together with continuous video programs. The Abstract of Shoff discloses:

An interactive entertainment system enables presentation of supplemental interactive content along side traditional broadcast video prams, such as television shows and movies. The programs are broadcast in a conventional manner. The supplemental content is supplied as part of the same program signal over the broadcast network, or separately over another distribution network. A viewer computing unit is located at the viewer's home to present the program and supplemental content to a viewer. When the viewer tunes to a particular channel, the viewer computing unit consults an electronic programming guide (EPG) to determine if the present program carried on the channel is interactive. If it is, the viewer computing unit launches a browser. The browser uses a target specification stored in the EPG to activate a target resource containing the supplemental content for enhancing the broadcast program. The target resource contains display layout instructions prescribing how the supplemental content and the video content program are to appear in relation to one another when displayed. When the data from the target resource is downloaded, the viewer computing unit is responsive to the layout instructions obtained from the target resource to display the supplemental content concurrently with the video content program. Embedding the layout instructions in the supplemental content advantageously places control of the presentation to the content developers. The developers are free to arrange the data and video in any manner they choose.

Klee discloses a financial document automation system and method. The Abstract of Klee discloses:

A process for automatically creating a geographic region-specific financial document pertaining to a financial product in real time such that all clauses present therein are effective. The process includes the steps of providing a computer database including at least one master financial document pertaining to a specific financial product, the master financial document having a plurality of document clauses, each of the clauses containing information associated with a different one of a plurality of geographic regions, selecting the master financial document associated with the specific financial product from the database including the master financial document, providing information regarding a desired one of the plurality of regions and selecting all document clauses pertaining to the specific financial product and to the desired region to be used in the selected master financial document and assembling the clauses into the document to make a completed financial document. The process is performed by software residing on a server that can be accessed over a network, including the Internet. An advantage of the invention is that it creates financial documents, such as financial disclosure documents for financial products, that contain only the clauses needed for the specific document requested; there is no need for attaching alternate clauses to a document or for maintaining an inventory of printed documents pertaining to specific geographic regions.

Page 4 of the Office Action stated:

At the time of invention it would have been obvious to a person of ordinary skill in the art to use the data retrieval feature in Klee et al with the system in Shoff et al because requested content data is enabled to be updated and changed instantaneously (Klee, paragraph 48).

Applicant respectfully disagrees and submits that even if properly combined, neither Shoff or Klee individually, nor the information access system resulting from a combination of Shoff and Klee disclose a memory device storing instructions, which when executed by the processor, cause the processor to operate with the receiver and the display device to (a) determine whether the requested content meta information has an update possibility; (b) if the determination is the requested content meta information has the update possibility, perform an update confirmation process; (c) if the determination is the requested content meta information does not have the update possibility, do not perform the update confirmation process so as to increase efficiency of an update process. On the other hand the information access system of amended independent Claim 47 includes, among other elements, "a memory device storing instructions, which when executed by the processor, cause the processor to operate with the

receiver and the display device to (a) determine whether the requested content meta information has an update possibility; (b) if the determination is the requested content meta information has the update possibility, perform an update confirmation process; (c) if the determination is the requested content meta information does not have the update possibility, do not perform the update confirmation process so as to increase efficiency of an update process.”

No new matter has been added by such amendments. Support for the amendments can be found in the Specification for example, in at least paragraph [0012] of the present application.

For at least these reasons, it is respectfully submitted that independent Claim 47 is patentably distinguished over Shoff and Klee and in condition for allowance. Dependent Claims 48 to 51 and 93 depend directly from amended independent Claim 1 and are also allowable for the reasons given with respect to Claim 1 and because of the additional features recited in these claims.

Independent Claims 58, 61, 70, 81 and 84 each include certain similar elements to independent Claim 47. For reasons similar to those discussed above with respect to independent Claim 47, independent Claims 58, 61, 70, 81 and 84 (and dependent Claims 59, 60, 62 to 64, 71 to 74, 82, 83, 85 to 87 and 94 to 98) are each patentably distinguished over Shoff and Klee and in condition for allowance.

The Office Action rejected Claims 52, 53, 65, 66, 75, 76, 88 and 89 under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Klee, and further in view of U.S. Patent No. 7,363,591 to Goldthwaite et al. (“Goldthwaite”). Applicant respectfully submits that the patentability of Claims 47, 61, 70 and 84 renders these rejections moot.

The Office Action rejected Claims 54, 55, 67, 77, 78, and 90 under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Klee, and further in view of U.S. Publication No. 2003/0014753 to Beach et al. (“Beach”). Applicant respectfully submits that the patentability of Claims 47, 61, 70 and 84 renders these rejections moot.

The Office Action rejected Claims 56, 68, 79, and 91 under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Klee, in view of Beach, and further in view of U.S. Publication No. 2001/0027557 to Shinkawa et al. (“Shinkawa”). Applicant respectfully submits that the patentability of Claims 47, 61, 70 and 84 renders these rejections moot.

The Office Action rejected Claims 57, 69, 80, and 92 under 35 U.S.C. 103(a) as being unpatentable over Shoff, in view of Klee, in view of Beach, in view of Shinkawa, and further in

view of U.S. Publication No. 2003/0126600 to Heuvelman ("Heuvelman"). Applicant respectfully submits that the patentability of Claims 47, 61, 70 and 84 renders these rejections moot.

An earnest endeavor has been made to place this application in condition for formal allowance, and allowance is courteously solicited. If the Examiner has any questions regarding this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,

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